

RESOLUTION NO. 16-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING AN APPLICATION A TENTATIVE PARCEL MAP MT16-0002 THAT INCLUDES ADJUSTMENT OF AN EXISTING PROPERTY LINE, VACATION OF A CUL-DE-SAC, AND AN OFFER OF STREET DEDICATION FOR PUBLIC USE ON A 10.9 ACRES SITE LOCATED AT 1830 MCCANDLESS DRIVE (APNs 086-41-016,017,018)

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas approved the Transit Area Specific Plan to guide development in the Transit Area of the City near the future Milpitas BART station; and

WHEREAS, in February 2011, the Milpitas Redevelopment Agency (Redevelopment) acquired a 10.9 acre site located at 1830 McCandless Drive (APN 086-41-016,017,018), also known as the “McCandless Property”. With the dissolution of Redevelopment, the City of Milpitas gained ownership of the McCandless Property; and

WHEREAS, in August 2014, an agreement was made between the City of Milpitas and the Milpitas Unified School District to sale a portion of the McCandless Property for the construction of a new public school facility, with the remainder of property to be constructed into public parkland; and

WHEREAS, prior to completion of the sale, the City of Milpitas has submitted an application for a tentative parcel map (project) to adjust the property lot line, vacate an existing cul-de-sac, and create a street dedication for public use of the McCandless Property. The tentative parcel map; and

WHEREAS, Milpitas City Staff conducted a full analysis of the project to ensure compliance with the City’s General Plan, Transit Area Specific Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff’s report to the Planning Commission; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA under Section 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines, insomuch as the project consists of a minor lot line adjustment not resulting in the creation of a new parcel; and

WHEREAS, the Planning Commission has carefully considered all information pertaining to the requested extensions of approvals for the Project, including the staff report, and all of the information, evidence, and testimony presented at its public hearing; and

NOW, THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. The project is Categorically Exempt from further environmental review pursuant to both Section 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines, inasmuch as project consists of a minor lot line adjustment not resulting in the creation of a new parcel; and

SECTION 3. Parcel Map Findings (Section XI-1-20.01). Pursuant to Section 66473.5 of the Government Code and Section XI-1-6.01-6, the Planning Commission shall not approve any parcel map unless it shall find in writing that the proposed parcel map, its design and improvement are consistent with the General Plan of the City of Milpitas.

1. *The proposed use must be consistent with the Milpitas General Plan*

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 3: General Plan Consistency

Policy	Consistency Finding
<i>2.c.I-2 – Locate future schools sites on the General Plan Diagram if and when any amendments to the Plan are made that would necessitate new schools. The General Plan acknowledges that the future school site is identified in the Transit Area Specific Plan (TASP) Land Use Map is consistent with the General Plan policy.</i>	Consistent. The property identified in the TASP land use map is the McCandless Property. Therefore, the parcel map is consistent with the General Plan of the City of Milpitas.

Section 4: The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 16-022 recommending approval for Tentative Parcel Map No. P-MT16-0002 subject to conditions of approval substantially similar to those included as Attachment A.**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 22nd, 2016:

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 22, 2016, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Lawrence Ciardella				
Hon Lien				
Rajeev Madnawat				
Ray Maglalang				
Zeya Mohsin (Alternate)				
Demetress Morris				
Gurdev Sandhu				